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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,368	03/18/2004	Yuuki Inoue	2271/71533	9208

7590 09/01/2009

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EXAMINER	
DICKER, DENNIS T	
ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,368	INOUE, YUUKI	
	Examiner	Art Unit	
	DENNIS DICKER	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,12,23,34-39 and 41-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 12, 23, 34-39, 41-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 5/27/2009 with respect to the rejection(s) of claim(s) 1, 12, 23, 34-39, 41-43 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Arai et al (US 7,355,748).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 12, 23, 34-39, 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Arai.

As pertaining to **Claim 1**, Arai teaches An image processing method for performing color conversion among a plurality of image forming apparatuses, .including a first printer and a second printer **(i.e., Fig.1 and Col. 17 lines 9-18, A plurality of printers including a server for color matching),** comprising the steps of: a) producing a plurality of color profiles provided for performing color conversion on

input image information within a same color space or through different color spaces **(i.e., Col. 13 lines 40-60, server stores a plurality of profiles[Fig. 2] for color matching through color spaces)** b) selecting a color profile from said plurality of color profiles **(i.e., 24a of Fig. 2, client acquires profile from storing region[Col. 21 lines 20-28])**; and c) using said selected color profile to convert input color data **(i.e., Col. 8 lines 16-25, color conversion is performed from standard color space)**, in a RGB color space, to converted color data, in a device-dependent CMYK color space of said second printer **(i.e., Fig. 25 and Col. 37 lines 63-Col. 38 line 28, LUT is used to convert data from RGB space to CMYK space)**, for reproducing colors obtained by said first printer by applying said input color data, each of said input color data and said converted color data corresponding to a same color in a predetermined device-independent color space which does not depend on apparatus types **(i.e., Col. 46 lines 28-39, data corresponding to a standard color space is converted into a device independent color space XYZ)**, the color profile being generated by a process including (d) producing, in a computer, color patch data from uniformly dividing a RGB color space **(i.e., Col. 21 lines 58-67, LUT makes RGB data for 256 tones which correspond to the 256 tones for each CMYK);** (e) obtaining corresponding color patches in an image formed by a first image forming apparatus of an apparatus type of said first printer according to said color patch data in the RGB color space **(i.e., Col. 21 lines 52-56);** (f) measuring coordinate values of the color patches in the predetermined device- independent color space **(i.e., Col. 46 line 63-Col. 47 line 2, accurately measure color patches);** (g) obtaining a relationship, for each color patch, between a

first color space which depends on the apparatus type of the first printer and tile predetermined device- independent color space, based on a measurement result of (f) **(i.e., S125 and Col. 26 lines 30-44, LUT is created for a relationship between the color space of a printer 40);** (h) obtaining a relationship between the predetermined device-independent color space in an image formed by a second image forming apparatus of an apparatus type of said second printer and a second color space which depends on said apparatus type of said second printer **(i.e., S125 and Col. 26 lines 30-44 and Col. 21 lines 58-67, LUT is created for a relationship between the color space of a printer 40 and the second printer 70);** and (i) calculating a coordinate value in the second color space which depends on the apparatus type of said second printer for each color patch whereby color of an image formed by said second printer has a color difference which is effectively reduced from color of an image formed by said first printer, according to the relationship between the predetermined device-independent color space in an image formed by said second printer and the second color space which depends on the apparatus type of said second printer, obtained in (h) **(i.e., Col. 7 lines 4-37, image data of a first printer is calculated into a color value** of a second printer using a LUT created to reduce a color difference), wherein color in an image formed by said second printer using said device-dependent input color data is visually equal to color of an image formed by said first printer using said converted device-dependent color data **(i.e., Col. 22 lines 5-15).**

With regards to program of **Claim 12**, the limitations of the claim 12 are corrected by limitations of claim 1 above. The steps of claim 12 read into the function steps of claim 1.

With regards to the computer readable medium of **Claim 23**, the limitations of the claim 23 are corrected by limitations of claim 1 above. The steps of claim 23 read into the function steps of claim 1.

With regards to the apparatus of **Claim 34**, the limitations of the claim 34 are corrected by limitations of claim 1 above. The steps of claim 34 read into the function steps of claim 1.

As pertaining to **Claim 35**, Arai teaches an image processing apparatus, wherein: said plurality of color profiles are provided from actually measuring color of an image formed by one of said plurality of image forming apparatuses **(i.e., Fig. 2, profiles are stored in server for color conversion),** and creating a color profile whereby color of an image effectively approximating the measured color is formed by another of said plurality or image forming apparatuses approximately equal thereto **(i.e., Col. 2 lines 3-11, means to create color matching information)**

As pertaining to **Claim 36**, Arai teaches an image processing apparatus, wherein: said plurality of color profiles comprise color profiles whereby a color difference in a color space, which does not depend on apparatus types between images formed by the image forming apparatuses may be made to effectively approximate each other **(i.e., Col. 2 lines 3-11, means to create color matching information)**.

As pertaining to **Claim 37**, Arai teaches an image processing apparatus wherein: said color space which does not depend on apparatus types comprises any one of an LAB color space, an XYZ color space '.and an LUV color space defined by CIE' **(i.e., Col. 45 lines 1-8, standard color space coordinate of XYZ).**

As pertaining to **Claim 38**, Arai teaches an image processing apparatus comprising a printer driver provided in a host computer which outputs printing information to the image forming apparatus **(i.e., Col. 21 lines 29-47 and Fig. 6).**

As pertaining to **Claim 39**, Arai teaches an image processing apparatus comprising a controller provided in one of the plurality of image forming apparatuses which forms an image having color which is made to effectively approximate color of image formed by another of said plurality of image forming apparatuses with the use of the color profile **(i.e., Col. 19 lines 4-9 and 23-30).**

As pertaining to **Claim 41,** Rylander '648 teaches an image processing apparatus further comprising, a part selecting a color profile to be applied from among the plurality of color profiles **(i.e., Col. 21 lines 20-28).**

As pertaining to **Claim 42,** image processing apparatus wherein: a host computer which provides printing information to the image forming apparatus comprises said part. Selecting a color profile to be applied from among the plurality of color profiles **(i.e., Col. 4 lines 20-61, client computer communicates with printer and server which selects best color profile from plurality of profiles).**

As pertaining to **Claim 43,** image forming apparatus comprising: the image processing apparatus; and an image forming part which forms a visible image on a

recording medium based on image information output from said image processing apparatus **(i.e., Col. 2 lines 3-11, server and printer communicate color matching information)**

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Fukasawa (US 7,274,487) Color space converting apparatus and method.

6. Pop (US 7,251,058) improved system for generating media transforms.

7. Muramoto (US 6,954,286) color conversion apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS DICKER whose telephone number is (571)270-3140. The examiner can normally be reached on Monday -Thursday 7:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 2625
9/1/2009

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625